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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,280	02/25/2002	Shigeru Sugaya	7217/66556	4162
7590 11/29/2005				
COOPER & DUNHAM LLP 1185 Avenue of the Americas New York, NY 10036			EXAMINER TRAN, THIEN D	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,280	SUGAYA, SHIGERU	
	Examiner	Art Unit	
	Thien D. Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 6 and 8 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claim 1, 4, 5, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buskens et al (U.S Patent No.5,905,871).

Regarding claim 1, Buskens discloses a radio transmission method for transmitting a packet from a transmission apparatus serving as an information transmitter (S, col.3 lines 1-10) to a transmission apparatus serving as an information receiver (R or DR, col.3 lines 1-10), returning receipt acknowledging information of a received packet from said radio transmission apparatus serving as said information receiver to said radio transmission apparatus serving as said information transmitter after transmission of information (ACK, col.3 lines 50-60), and retransmitting an unreceived packet from said radio transmission apparatus serving as said information transmitter to said radio transmission apparatus serving as said information receiver in a wireless network (col.4 lines 30-40), said wireless network being formed with a plurality of transmission apparatus serving as communication stations, said radio transmission method comprising the steps of:

on a side of said radio transmission apparatus serving as said information transmitter, setting a predetermined transmission frame cycle (time interval T-d, col.7 line 49);

presetting a frame cycle for retransmission (T-retx, col.7 line 65, figure 20); and

automatically retransmitting only a packet whose receipt acknowledging information has not been received on arrival of said frame cycle for retransmission (col.7 lines 60-64).

Regarding claim 4, Buskens discloses the predetermined number of retransmissions are set, and then retransmission is made said number of retransmissions (number of packets in the retransmit queue, col.5 line 65).

Regarding claim 5, Buskens discloses a frame cycle for discarding unreceived packets is preset, and a packet whose receipt acknowledging information has not been returned until said frame cycle is discarded (col.8 lines 40-65).

Regarding claim 7, Buskens discloses transmission apparatus for transmitting information in a network, said network being formed with a plurality of communication apparatus serving as communication stations, said radio transmission apparatus comprising:

packetizing means for packetizing asynchronous information into packets as predetermined information units on said wireless network (col.5 lines 5-10);

transmitting means for transmitting said packets under predetermined access control (control scheduling, figures 14 and 15);

receiving means for receiving receipt acknowledging information from a radio transmission apparatus serving as an information receiver (ACK, col.3 lines 50-60);

frame cycle setting means for setting a predetermined transmission frame cycle; timing means for timing said frame cycle (time interval T-d, col.7 line 49);

retransmission frame cycle setting means for presetting a frame cycle for retransmission (T-retx, col.7 line 65, figure 20); and

retransmitting means for automatically retransmitting only a packet whose receipt acknowledging information has not been received on arrival of said frame cycle for retransmission (col.7 lines 60-64).

Regarding claim 9, Buskens discloses a radio transmission apparatus for transmitting information in a network, said network being formed with a plurality of communication apparatus serving as communication stations, said radio transmission apparatus comprising:

packetizing means for packetizing asynchronous information into packets as predetermined information units on said wireless network (col.5 lines 5-10);

transmitting means for transmitting said packets under predetermined access control (control scheduling, figures 14 and 15);

receiving means for receiving receipt acknowledging information from a radio transmission apparatus serving as an information receiver (ACK, col.3 lines 50-60);

frame cycle setting means for setting a predetermined transmission frame cycle; timing means for timing said frame cycle (time interval T-d, col.7 line 49);

discarding frame cycle setting means for presetting a frame cycle for discarding packets (col.8 lines 40-65); and

discarding means for discarding a packet whose receipt acknowledging information has not been received on arrival of said frame cycle for discarding packets (col.8 lines 40-65).

Buskens does not disclose that a wireless network in his apparatus. However, it would have been obvious to one having ordinary skill in the art to have the feature of wireless network used in Buskens' apparatus because it is a matter of obvious design choice.

Allowable Subject Matter

2. Claims 2, 6, 8 are allowed.
3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have any questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO
PRIMARY EXAMINER**



11-28-05